IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 20820 of 2006(C)

PETITIONER:

SANKARAN KRISHNAN,
S/O.SANKARAN, THEKKEVELIYIL,
PERUMBALAM KARA, MATTATHITHAZHAM VILLAGE,
PERUMBALAM.P.O.

BY ADV. SRI.V.N.SWAMINATHAN
SRI.FELIX.K.J.

RESPONDENTS:
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* 1. RAMAN THANKACHAN,
PARVATHI NIVAS, MARADU.P.O,
KANAYANNUR TALUK. (CORRECTED)

* 2. RAMAN SUBHASH, KIZHEKKE NANJANATTU,
PERUMBALAM.P.O, PERUMBALAM. (CORRECTED)

3. SUB INSPECTOR OF POLICE,
POOCHAKKAL.

4. CIRCLE INSPECTOR OF POLICE,
CHERTHALA.

5. DISTRICT SUPERINTENDENT OF POLICE,
ALAPPUZHA.

6. STATE OF KERALA,
REP. BY THE HOME SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

ADDRESS OF R1 & R2 CORRECTED:

1. RAMAN THANKACHAN, KIZHEKKE NARANGANATTU HOUSE,
PERUMBALAM P.O.

2. VELAPPAN SANTHOSH, KIZHAKKE ANATTU, PERUMBALAM P.O.

(ADDRESS OF R1 & R2 CORRECTED AS PER ORDER DATED 20.11.2006
IN IA NO.15857/2006)
BY ADV. SRI.SUNIL THOMAS
SRI.ANIL THOMAS (MELEMALAYIL)
R3 TO R6 BY G.P. SHRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE PETITION CMP 502/1996 IN AS 94/96 DATED 30.1.96

EXT.P2 TRUE COPY OF THE ORDER PASSED BY THIS COURT DATED 1.2.96 IN CMP 502/96 IN AS 94/96

EXT.P3 TRUE COPY OF THE AFFIDAVIT AND PETITION IN IA 2303/04 IN AS 94/96

EXT.P4 TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, POOCHAKKAL DATED 19.7.96

EXT.P4(A) TRUE COPY OF THE POSTAL RECEIPT DATED 19.7.96

EXT.P5 TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE CIRCLE INSPECTOR OF POLICE, CHERTHALA DATED 19.7.96

EXT.P5(A) TRUE COPY OF THE POSTAL RECEIPT DATED 19.7.96

EXT.P6 TRUE COPY OF THE POSTAL RECEIPT DATED 25.7.96

EXT.P7 TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 28.7.96

//TRUE COPY//

J.B.KOSHY & K. PADMANABHAN NAIR ,JJ

W.P.(C).NO.20820 of 2006 C

Dated, this the 30th day of November, 2006

JUDGMENT

Koshy, J.

This is a petition for police protection to take usufructs from the coconut trees and other fruit bearing trees from the property in Sy.No.39/12 of Perumpalam Village. With respect to that property respondents 1 and 2 filed a civil suit and preliminary decree was in their favour. The petitioner filed appeal before this Court as A.S.No.94/1996. Ext.P2 stay order was obtained by the petitioner. The allegation of the petitioner is that even the Ext.P2 stay order is in force, the contesting respondents are causing obstructions to the petitioner. Since the matter is pending in civil suits and if respondents 1 and 2 illegally obstructing the possession of the petitioner, it is for the petitioner to get appropriate orders in the appeal filed (A.S.No.94/1996). In a petition under Article 226 of the Constitution of India, we cannot decide civil disputes which is already pending in appeal. However, police is directed to see that law and order is maintained and lives of the parties are not endangered.

Writ Petition is disposed of as above.

J.B.KOSHY
JUDGE

K. PADMANABHAN NAIR
JUDGE

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